

Form/IBR  
6/83

OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINES AND RECLAMATION  
1855 Fountain Square Court  
Columbus, Ohio 43224

1BR-360-11  
**RECEIVED**  
JUL 27 1999  
DIVISION OF MINES  
AND RECLAMATION  
CAMBRIDGE

APPLICATION FOR AN INCIDENTAL BOUNDARY REVISION

(File in Quadruplicate)

1. Permittee's Name THE OHIO VALLEY COAL COMPANY Phone # 740-926-1351
2. Address 56854 PLEASANT RIDGE ROAD Zip Code 43902  
ALLEDONIA, OH
3. Coal Mining Permit # D-0360
4. Additional Acres to be permitted 0 (1.9 ac. underground)
5. Has this acreage been affected? Yes       , No X
6. Describe the reason this additional acreage is required.  
THIS AREA IS BEING ADDED TO FACILITATE AN AIR SHAFT - See Addendum
7. Describe the activities to be conducted on this area.  
VENTILATION OF ACTIVE WORKINGS
8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X, No       .  
  
If "no", describe any changes to the previously approved permit application that will apply to this revised area.

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(continued on reverse side)

**ORIGINAL**

9. LOCATION OF ADDITIONAL ACRES TO BE AFFECTED DURING PERMIT (List all surface and mineral owners and all locations applicable to each ownership as shown on the location map. If owner name is repeated, show address only once. If permittee is owner, address is not necessary.)

| NAME OF SURFACE AND MINERAL OWNERS  | Twp& Range | Section | Township | County  |
|---|------------|---------|----------|---------|
| Name <u>The Ohio Valley Coal Company</u><br>Address <u>56854 Pleasant Ridge Road</u><br>City & State <u>Alledonia, OH 43902</u><br>Surface <u>      </u> Mineral <u>X</u> Zip <u>      </u> | 7N/<br>5W  | 5       | Goshen   | Belmont |
| Name <u>Robert and Betty Kemp</u><br>Address <u>43828 Belmont-Centerville Rd.</u><br>City & State <u>Belmont, OH 43718</u><br>Surface <u>X</u> Mineral <u>      </u> Zip <u>      </u>      | 7N/<br>5W  | 5       | Goshen   | Belmont |
| Name <u>Roy Swallie</u><br>Address <u>43999 Belmont-Centerville Rd.</u><br>City & State <u>Belmont, OH 43718</u><br>Surface <u>X</u> Mineral <u>      </u> Zip <u>      </u>                | 7N/<br>5W  | 5       | Goshen   | Belmont |

(If additional space is needed, list on a separate sheet in this format.)

I, the undersigned authorized representative of the permittee, hereby attest that the information contained in this revision request is true and correct to the best of my knowledge and belief.

David R. Bartosh Env. Coord.  
Signature

Title

7/23/1999  
Date

(FOR DIVISION USE ONLY)

This application is hereby Issued by the <sup>Act.</sup> Chief, Division of Mines and Reclamation and effective this date. The acreage identified in item 5 of this application is now part of permit

D-0360  
(permit #)

10-12-99  
Date

Russ Schollby  
Act. Chief, Division of Mines and Reclamation

\$ — 0 — of performance bond and \$ — 0 — acreage fee was received on         
NOTE: NO BOND OR ACREAGE FEE. UNDERGROUND ACREAGE ONLY  
(Date)

*No bond or fee required No surface affectments*  
*RSS*



### LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That the CONSOLIDATED LAND COMPANY, an Ohio corporation, with a mailing address of Box 505, 34208 Aurora Road, Solon, Ohio 44139, the GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to it paid by THE OHIO VALLEY COAL COMPANY, an Ohio corporation, whose tax mailing address is 56854 Pleasant Ridge Road, Alledonia, Ohio 43902, the GRANTEE, the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, and CONVEY to said GRANTEE, with limited warranty covenants to the GRANTEE, its successors and assigns, all of the Pittsburgh No. Eight (8) seam or vein of coal contained in or underlying the tracts of land more particularly described on Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all such mining rights and other rights and privileges pertinent to the tracts set forth on Exhibit "A" (hereinafter called the "Premises") as GRANTOR may possess.

TO HAVE AND TO HOLD said Premises, with all the privileges and appurtenances thereunto belonging, unto the said GRANTEE, its successors and assigns, forever.

And the said CONSOLIDATED LAND COMPANY, GRANTOR, does for itself, its successors and assigns, covenant with the said GRANTEE, its successors and assigns, that at and until the ensealing of these presents, it is well seized of the above described Premises, has a good and indefeasible estate in Fee

Simple, and has good right to bargain and sell the same in the manner and form as above written; that the same are free and clear from all encumbrances whatsoever, and that it will WARRANT AND DEFEND said Premises with the appurtenances thereunto belonging to the said GRANTEE, its successors and assigns, forever against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, GRANTOR has caused its name to be hereunto subscribed by its duly authorized officers this first day of June, 1999.

PRIOR DEED REFERENCE; VOLUME 707, PAGE 1, Belmont County Deed Records.

Signed and acknowledged in the presence of:

CONSOLIDATED LAND COMPANY, an Ohio corporation

Janet D. Anderson  
Charles H. Oarb

By Peter J. Vuljanic  
Peter J. Vuljanic,  
President

Letty D. Conner  
Richard M. Amore Jr.

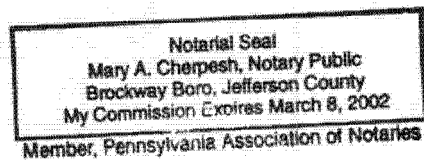
By Dominic M. D'Amore Jr.  
Dominic M. D'Amore Jr.  
Secretary

STATE OF Pa  
COUNTY OF Jefferson, SS:

On this the 29 Day of June, 1999  
appeared before me Peter J. Vuljanic, who acknowledged himself to  
be President of Consolidated Land Company, an Ohio corporation,  
and that as such officer being authorized to do so, executed the  
foregoing instrument for the purposes therein contained by  
signing the name of the corporation as President.

IN WITNESS WHEREOF, I hereunto set my hand and  
Notarial seal.

Mary A. Cherpesh  
Notary Public  
My Commission Expires:



STATE OF OHIO  
COUNTY OF CUYAHOGA, SS:

On this the 14th Day of JULY, 1999  
appeared before me Dominic D' Amore, Jr. who acknowledged himself  
to be Secretary of Consolidated Land Company, an Ohio  
corporation, and that as such officer being authorized to do so,  
executed the foregoing instrument for the purpose therein  
contained by signing the name of the corporation as Secretary.

IN WITNESS WHEREOF, I hereunto set my hand and  
Notarial seal.

Regina Mary Pepke  
Notary Public  
My Commission Expires: OCTOBER 3, 2003

**REGINA MARY PEPKE**  
Notary Public - State of Ohio  
My Commission Expires Oct. 3, 2003

This Instrument Prepared By:  
THE OHIO VALLEY COAL COMPANY  
56854 PLEASANT RIDGE ROAD  
ALLEDONIA, OHIO 43902

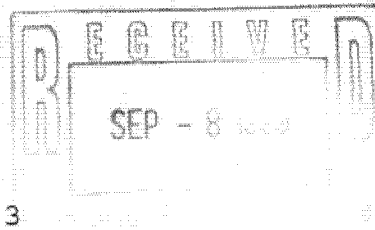


EXHIBIT "A"

DESCRIPTION OF A 50.00 ACRE TRACT



Situated in the State of Ohio, County of Belmont, and the Township of Goshen. Being a part of a 211 Acre Tract described as Tract Fourty Seven - Part Eighteen in a certain Coal Deed from Wyoming Pocahontas Land Company to Consolidated Land Company recorded in Volume 707 at Page 1 of the Belmont County Record of Deeds and being more particularly bound and described as follows:

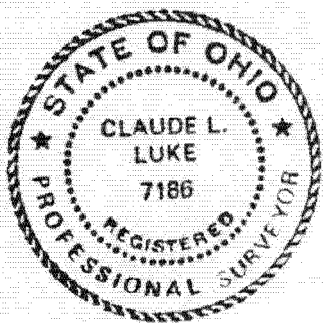
Being in the Southeast Quarter of Section 5, T7-R5, beginning for the description at the Southeast Corner of Section 5, T7-R5, thence, and with the South Line of said Section N. 88° 00' 00" W. 1320.00 Feet to a Point, thence, and leaving said Section Line, N. 2° 21' 00" E. 1650.00 Feet to a Point, thence, S. 88° 00' 00" E. 1320.00 Feet to a Point on the East Line of said Section 5, T7-R5, thence, and with said Section Line, S. 2° 21' 00" W. 1650.00 Feet to the Point of beginning of the herein described tract, containing 50.00 acres more or less.

Being a split of Auditor Parcel No. 91-00327.

Together with the right to enter through said vein of coal and mine and remove the same, and the right to mine and remove through said vein of coal other coal belonging to said grantee, its successors or assigns, or which may be hereafter acquired. The grantee is released from all claims for damages caused by the mining and removal of said coal from under said premises. But reserving to the owner of the surface, their heirs or assigns,

the right to drill, bore, or shaft through said vein of coal for oil, gas, water or other minerals, but so as to not interfere with the workings of said mine.

This description prepared in June 1999, as a result of a field survey made by Claude L. Luke of Shadyside, Ohio, who is Ohio Registered Surveyor No. 7186.

A handwritten signature of Claude L. Luke in cursive script, written in black ink on a horizontal line.

Claude L. Luke #7186



ADDENDUM TO UNDERGROUND IBR  
THE OHIO VALLEY COAL COMPANY  
POWHATAN NO. 6 MINE  
PERMIT D-0360

#### EXTRACTION RATIO and NEED FOR IBR AREA

This underground IBR area is needed for ventilation of the mine workings only. This IBR area is needed to provide ventilation for previously approved mining areas (specifically, D-0360-7). The percent extraction in this area will be 50 percent or less. For the amount of cover, this ration will result in no subsidence of the surface.



TOVCC 07122

## FORMS

Landowner Comment (if New)

received 10-9-99



July 24, 1999

Mr. Thomas Pulay, Reclamation Inspector  
8505 Georgetown Road  
Cambridge OH 43725

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JUL 27 1999

DIVISION OF MINES  
AND RECLAMATION  
CAMBRIDGE

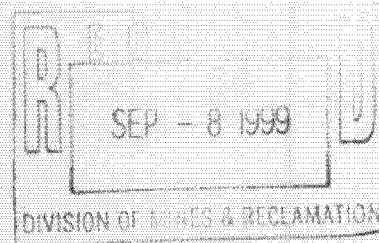
Dear Tom:

Enclosed is an application for an underground IBR to develop entries for ventilation purposes only. I spoke with Harry Payne in Columbus, and discussed this matter with him recently. Enclosed with the application is a limited warranty deed for right of entry purposes. Other information for this area may be found in approved application D-0360-7 which is immediately to the east of the site, as may be seen on the map. If you have any questions, please contact me.

Sincerely,  
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.  
Environmental Coordinator and  
Permit Administrator

cc: H. J. Payne  
File



56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902  
(740) 926-1351 • FAX (740) 926-1615

TOVCC 07124

# INTEROFFICE MEMO



**Date:** 8/26/99  
**To:** Phyllis Peaks  
**From:** Brad Burwell *BB*  
**RE:** IBR. D-0360, Ohio Valley Coal Co, 0 ( ZERO ) acres

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OVC has submitted this UNDERGROUND IBR to identify the underground workings in developing their ventilation system w/ no surface affectment. Approval is recommended pending further permitting review.

BB

Attachments

8/26/99

1

TOVCC 07125